

SCS SB 829 -- TAX LIABILITY DISPUTES

(Vetoed by the Governor--
Overridden by the General Assembly)

Currently, the Director of the Department of Revenue has the burden of proof with respect to any factual issue relevant to ascertaining the liability of a taxpayer in a tax liability dispute under specified circumstances. This bill repeals the burden of proof requirement when, in the case of a partnership, corporation, or trust, the net worth of the taxpayer does not exceed \$7 million and the taxpayer does not have more than 500 employees at the time the final decision of the department director is issued and only requires the department director to have the burden of proof if the taxpayer has produced evidence that establishes that there is a reasonable dispute with respect to the tax issue and the taxpayer has adequate records of the transactions and provides the department reasonable access to the records.

Currently, the provisions of Section 136.300, RSMo, cannot apply to any issue with respect to the applicability of any tax exemption or credit. The bill removes the applicability of any tax exemption and specifies that the provisions cannot apply to any issue with respect to the applicability of any tax credit.